

COUNTY OF SAN LUIS OBISPO DEPARTMENT OF PLANNING AND BUILDING STAFF REPORT

Tentative Notice of Action

MEETING DATE May 19, 2006 EFFECTIVE DATE June 2, 2006

CONTACT/PHONE Stephanie Fuhs (805) 781-5721

APPLICANT Betty Dellapenna FILE NO. DRC2005-00128

SUBJECT

Hearing to consider a request by Betty Dellapenna for a Minor Use Permit to allow modification of the minimum access standards required for a proposed 1,200 square foot secondary dwelling with attached 776 square foot garage. The proposed project is within the Residential Rural land use category and is located on the north side of Fowler Lane (at 2596 Fowler Lane), approximately 1,200 feet east of the Highway One/Fowler Lane intersection, approximately 1.5 miles south of the City of Arroyo Grande. The site is in the South County (Inland) planning area. (Recommendation is for a partial waiver of the access standards).

RECOMMENDED ACTION

Approve Minor Use Permit DRC2005-00128 based on the findings listed in Exhibit A and the conditions listed in Exhibit B

ENVIRONMENTAL DETERMINATION

A Class Three Categorical Exemption was issued on April 17, 2006 (ED05-411).

AND USE CATEGORY Residential Rural

COMBINING DESIGNATION None

ASSESSOR PARCEL NUMBER 075-271-008

SUPERVISOR DISTRICT(S)

PLANNING AREA STANDARDS:

None applicable

Does the project meet applicable Planning Area Standards: Not applicable

LAND USE ORDINANCE STANDARDS:

22.10.090 - Height Measurement, 22.10.140 - Setbacks, 22.30.470 - Secondary Dwellings Does the project conform to the Land Use Ordinance Standards: Yes - see discussion

FINAL ACTION

This tentative decision will become final action on the project, effective on the 15th day following the administrative hearing, or on June 2, 2006, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.

EXISTING USES:

Single family residence

SURROUNDING LAND USE CATEGORIES AND USES:

North: Residential Rural/Residences South: Residential Rural/Residences

East: Residential Rural/Residences West: Residential Rural/Residences

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Nipomo Community Advisory Council, Public Works, Ag Commissioner, CDF				
TOPOGRAPHY: Mostly level	VEGETATION: Grasses, ornamentals, eucalyptus			
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF	ACCEPTANCE DATE: February 17, 2006			

DISCUSSION

LAND USE ORDINANCE STANDARDS:

22.10.090 – Height Measurement: The maximum height allowed is 35 feet from average natural grade. As proposed, the secondary residence is a single story, approximately 16 feet in height and complies with the standard.

22.10.140 – Setbacks: Setback for parcels over one acre are: 25 feet from the front property line, and 30 feet from the rear and side property lines. As proposed, the project meets these standards.

22.30.470 – Secondary Dwellings: Secondary dwellings are allowed in the Rural Residential land use category by this title pursuant to the authority established by Section 65852.2 et seq. of the California Government Code. A secondary dwelling shall be accessory to a primary dwelling and the owner of the site must agree to occupy one unit on the site as his or her primary residence. For sites less than 20 acres in the Residential Rural category, the secondary dwelling should be located within 250 feet of the primary dwelling.

A secondary dwelling is allowed only on a site that has frontage on a road or private easement that is maintained by the county, state or special district; on a road that is offered for dedication to the public and is surfaced with chip seal or better; or on a private easement that is surfaced with chip seal or better. For roads or easements described above the access shall be maintained through organized maintenance, such as a road maintenance agreement or homeowners association. The property in question has frontage on a road that is offered for dedication to the public, however, the road is not improved to chip seal or better as required by the Land Use Ordinance. Subdivisions along Fowler Lane are required to improve the road to the County's A-7 (c) gravel road standards, therefore, staff is recommending that a partial waiver of the road standards and require the applicant to improve their frontage along Fowler Lane to the A-7 (c) standard. The project has been conditioned accordingly.

COMMUNITY ADVISORY GROUP COMMENTS: No comments received.

AGENCY REVIEW:

Public Works - Retain drainage on-site, require offer of dedication on Fowler Lane and 18 foot gravel road with maintenance agreement

Building Division - Percolation tests required prior to permit issuance

CDF - See attached fire safety plan

LEGAL LOT STATUS:

The one lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Stephanie Fuhs and reviewed by Kami Griffin, Supervising Planner

EXHIBIT A - FINDINGS

CEQA Exemption

A. The project qualifies for a Categorical Exemption (Class Three) pursuant to CEQA Guidelines Section 15303 because the secondary dwelling is a small structure that is not in close proximity to any significant fish or wildlife habitat.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the secondary dwelling does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the secondary dwelling is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Fowler Lane a local road constructed to a level able to handle any additional traffic associated with the project.

Secondary Dwelling Adjustments

G. Modification of the minimum access for secondary dwellings that requires access from a road that is offered for dedication to the public and is surfaced with chip seal or better and is maintained through organized maintenance is justified because road improvement standards for subdivisions along Fowler Lane are for an A-7(c) gravel road. Therefore, the project is being conditioned to comply with the gravel road standard improvement consistent with other projects along Fowler Lane.

EXHIBIT B - CONDITIONS OF APPROVAL DRC 2005-00128 (Dellapenna)

Approved Development

- 1. This approval authorizes
 - a. modification of the minimum access standards required for a proposed 1,200 square foot secondary dwelling with attached 776 square foot garage
 - b. maximum height is 35 feet from average natural grade.

Conditions required to be completed at the time of application for construction permits

Site Development

- 2. At the time of application for construction permits plans submitted shall show all development consistent with the approved site plan, floor plan, and architectural elevations.
- 3. At the time of application for construction permits, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Fire Safety

4. At the time of application for construction permits, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated February 6, 2006.

Services

- 5. At the time of application for construction permits, the applicant shall submit evidence that there is adequate water to serve the proposal, on the site.
- 6. At the time of application for construction permits, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.

Drainage

- 7. **At the time of application for construction permits,** the applicant shall submit a drainage plan that shows all drainage being retained on the project site.
- 8. **At the time of application for construction permits**, the applicant shall submit percolation tests, to be reviewed and approved by the Building Division.

Conditions to be completed prior to issuance of a construction permit

Fees

9. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Owner Occupancy Requirement

10. **Prior to issuance of a construction permit,** the applicant for the second unit shall record a notice against the property notifying any subsequent purchaser that failure to meet this requirement will subject the second unit to abatement by the county pursuant to Chapter 22.74 of this title. No secondary dwelling shall be allowed on the site unless an owner of the site agrees to occupy one unit on the site as his or her primary residence.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

- 11. **Prior to final inspection,** the applicant shall improve the Fowler Lane frontage to the County's A-7(c) standard (minimum improved width of 18 feet).
- 12. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
- 13. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going conditions of approval (valid for the life of the project)

- 14. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
- 15. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.



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DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP DIRECTOR

THIS IS A NEW PROJECT REFERRAL

JAN 19 2006

WEBSITE: http://www.sloplanning.org

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- -voim	DATE: 1-18-	DM	
To-	EROM: 🗹 - South Co	ounty Team 🔲 - North County Team	☐ - Coastal Team
	PROJECT DESCRIF Mup -> 120 Fowler Ln.	TION: File Number: <u>DRC 2005-60128</u> 00 sq.ft. secondary SFR 1h Arrayo Grande. APN	. Located off
	Return this letter with	n your comments attached no later than: 2	-2-06
	PART 1 - IS THE AT	TACHED INFORMATION ADEQUATE TO C	COMPLETE YOUR REVIEW?
	□ YES □ NO	(Please go on to PART II.) (Call me ASAP to discuss what else you not which we must accept the project as complinformation.)	eed. We have only 30 days in lete or request additional
	PART II - ARE THEF AREA	RE SIGNIFICANT CONCERNS, PROBLEMS OF REVIEW?	OR IMPACTS IN YOUR
	□ YES	(Please describe impacts, along with recorto reduce the impacts to less-than-significal letter) (Please go on to PART III)	nmended mitigation measures ant levels, and attach to this
. •	<u>-</u>	E YOUR RECOMMENDATION FOR FINAL A	ACTION.
·	Please attac	n any conditions of approval you recommend roval, or state reasons for recommending de	I to be incorporated into the
	IF YOU HAVE "NO	COMMENT," PLEASE SO INDICATE, OR C	CALL.
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	for DEducation	to the public Fowler LANC TVON	ting the property
	Recommend	to the public Fowler Lane From The dother public Fowler Lane From The dother public Fowler Lane From The dother public Fowler Recommendation Name DAN MANION	MAIN tenande Agreement,
	Date Feb 22-20	066	
		CALIFORN	11A 93408 • (805) 781-5600

. SAN LUIS OBISPO

FAX: (805) 781-1242

COUNTY GOVERNMENT CENTER

EMAIL: planning@co.slo.ca.us

DRC2005-00128 DELLAPENNA MINOR (PERMIT MINI MUP 1200 SQ FT SECONDARAY GENERAL APPLICATION RESIDENCE DO NOT WANT TO PAVE SC/ PALM San Luis Obispo County Department of Planning and E RS APPLICATION TYPE CHECK ALL THAT APPLY □ Tree Permit Plot Plan ☐ Emergency Permit Minor Use Permit ☐ Site Plan ☐ Zoning Clearance □ Variance ☐ Conditional Use Permit/Development Plan ☐ Curb, Gutter & Sidewalk Waiver ☐ Surface Mining/Reclamation Plan ☐ Modification to approved land use permit □ Other APPLICANT INFORMATION Check box for contact person assigned to this project Daytime Phone 481-2176 □ Landowner Name Beth Della Pena Mailing Address 2596 Fowler Inc. A 6 Zip 93420 Email Address: □ Applicant Name Kevin ! Daytime Phone 489 Mailing Address /) N Email Address: Kevin Daytime Phone 4898 □ Agent Name Kevin Mailing Address 100 A Email Address: Keviokole PROPERTY INFORMATION Assessor Parcel Number(s):__75 Total Size of Site: 5 ACNES Legal Description: 7596 Fowler Inne Address of the project (if known):_ Directions to the site - describe first with name of road providing primary access to the site, then to Fowler HWG 1 nearest roads, landmarks, etc.: Describe current uses, existing structures, and other improvements and vegetation on the property: PROPOSED PROJECT Describe the proposed project (inc. sq. ft. of all buildings): 1200 15 Secondary Resilence DO Notwart to PAU Forelen / ANE LEGAL DECLARATION I, the owner of record of this property have completed this form accurately and declare that all statement here are true. I do hereby grant official representatives of the county authorization to inspect the subject property.

FOR STAFF USE ONLY

Property owner signature

Reason for Land Use Permit:

Della penna (075-271-008) DRG 2005-00128

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3 x 3" conc. mon. (bro



EMAIL: planning@co.slo.ca.us

San Luis Obispo County DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 1-18-06
TO: <u>Bldg. DIV</u>
FROM: 🗹 - South County Team 🔲 - North County Team 🚨 - Coastal Team
PROJECT DESCRIPTION: File Number: DPC 2005 - 60128 Applicant: Della Penna
mup -> 1200 sq. At. secondary SFR. Located off
Mup -> 1200 sq. ft. secondary SFR. Located off Fowler Ln. in Arrayo Grande. APN: 075-271-008
Return this letter with your comments attached no later than: 2 - 2 - 0 6
PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?
YES (Please go on to PART II.) (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)
PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?
☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)
Please go on to PART III)
PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.
Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.
IF YOU HAVE ('NO COMMENT,') PLEASE SO INDICATE, OR CALL.
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S. Huch. 3/27/06 S. Hich. 5709. Date Phone
Currently 93409 (805) 781-5600
COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-3000 FMAIL planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: http://www.sloplanning.org

DRC2005-00128

DELLAPENNA BE

MINOR (). PERMIT

MINI MUP 1200 SQ FT SECONDARAY RESIDENCE DO NOT WANT TO PAVE SC/ PALM

RS

San Luis Obispo County Department of Planning and E

GENERAL APPLICATION

	_
	☐ Plot Plan Minor Use Permit D Variance Gutter & Sidewalk Waiver cation to approved land use permit
APPLICANT INFORMATION ,Check box for contact per	son assigned to this project
I Landowner Name Beth Della Pena	Daytime Phone 481-2176
□ Landowner Name <u>Betty Della Pena</u> Mailing Address <u>2596 Fowler Ime</u> , A e	7 7in 93412
	5 ZiP
Email Address:	
1/ /	
□ Applicant Name <i>KeVIN Howstra</i>	Daytime Phone 487-8705
□ Applicant Name Kevin thruston Mailing Address 130 N Hologon Ref	Zip <u>93420</u>
Email Address: Kevin holom @ A01. C	om
	1986年 1986年 -
□ Agent Name Kevin Huwston	Daytime Phone 9898705
Mailing Address 100 N Halczon Lal	Zip 93420
Email Address: Kevinholem (B) A01.0	com-
PROPERTY INFORMATION Total Size of Site: 5 PC PC Assessor Parcel N Legal Description:	lumber(s): 75-271-008
Address of the project (if known): 2596 Foul a	en 1000 A 6 934120)
Directions to the site - describe first with name of road pronger to the site - describe first with name of road pronger to the site of th	Solution printary access to the site, their
nearest roads, landmarks, etc.: Plug 1 70	TOWIET PROPE
Describe current uses, existing structures, and other imp	rovements and vegetation on the property:
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	그 왕이 얼마가 있는 얼마한테 가는 없는 것
PROPOSED PROJECT	
Describe the proposed project (inc. sq. ft. of all buildings)	1200 \$ Secondary Resiler
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30 1001 White 10 First 1 Cooper - 1	
TOAL DEGLADATION	
LEGAL DECLARATION I, the owner of record of this property have completed this	s form accurately and declare that all
statement here are true. I do hereby grant official representations	entatives of the county authorization to
nspect the subject property.	
/////	1/0/00
Property owner signature / 9/9/1/20	Date // 9/06
FOR STAFF USE ONLY	
Reason for Land Use Permit:	



CDF/San Luis Obispo County Fire

RESIDENTIAL FIRE SAFETY PLAN

Date: February 6, 2006

Project Number(s): DRC 2005-00128	Name: South County Team Planning & Building Department County Government Center San Luis Obispo, CA 93408
Project Location: 2596 Fowler Lane	City: Arroyo Grande
Mailing Address: Betty Dellapena 2596 Fowler Lane Arroyo Grande, CA 93420 Kevin Hunstad 120 North Halcyon Road Arroyo Grande, CA 93420	City/State/Zip:
Phone Number(s): Dellapena: 481-2176 Hunstad: 489-8705	Cross Street: Mesa View Drive
Notes: 1200 square foot secondary dwelling CDF	's road and driveway requirements are outlined below

Notes: 1200 square foot secondary dwelling. CDF's road and driveway requirements are outlined below in the "check-box" section. These requirements are mandated by the Public Resources Code, section 4290. Additionally, the San Luis Obispo County Code - Title 22, Land Use Ordinance (22.30.470, C.2.c.) requires chip seal or better. Please contact the Planning & Building Department for interpretation of applicable code.

The following **checked** items are required to be completed prior to final inspection of this project. When you have completed each item checked, initial and date that they are completed. When all items checked are completed please call for a fire department final inspection, **(805)** 543-4244, extension #2220. Inspections will be completed on the following Tuesday for South County areas and Thursday for North County areas. Please have your County issued permit card on site and visible.

This project is located approximately **5 to 10** minutes from the closest CDF/San Luis Obispo County Fire Station. The project **is** located in State Responsibility Area for wildland fires. It is designated as a **High** Fire Severity Zone. This project is required to comply with all fire safety rules and regulations including the California Fire Code, the Public Resources Code and any standards referenced therein.

The following standards are required:	Owner- Agent Initials
30-foot building setback from property line required	
**Note: All setbacks are subject to County Planning Department approval.	
A residential fire sprinkler system is required (NFPA 13D)	
A water storage tank is required that gravity feeds a residential fire connection	
■ 2500 gallons of water storage required	
☐ Fire connection shall be located on the approach to the structure(s)	
☑ Fire connection must be located not less than 50 feet & no more than 150 feet from	
the structure	
⊠ Fire connection must be located within 8-feet of the driveway & 24 inches above grade	
☑ Fire connection outlet valve must be a 2-1/2" brass National Standard male thread	
with cap. The outlet must face toward the driveway at a 90° angle.	
☑ If fire connection has less than 20 psi, then the word "DRAFT" will be clearly and	
permanently marked on the fire connection	
☐ Blue dot reflector must be located near fire connection	
A fire hydrant is required that can deliver 750 gallons per minute for 2 hours.	

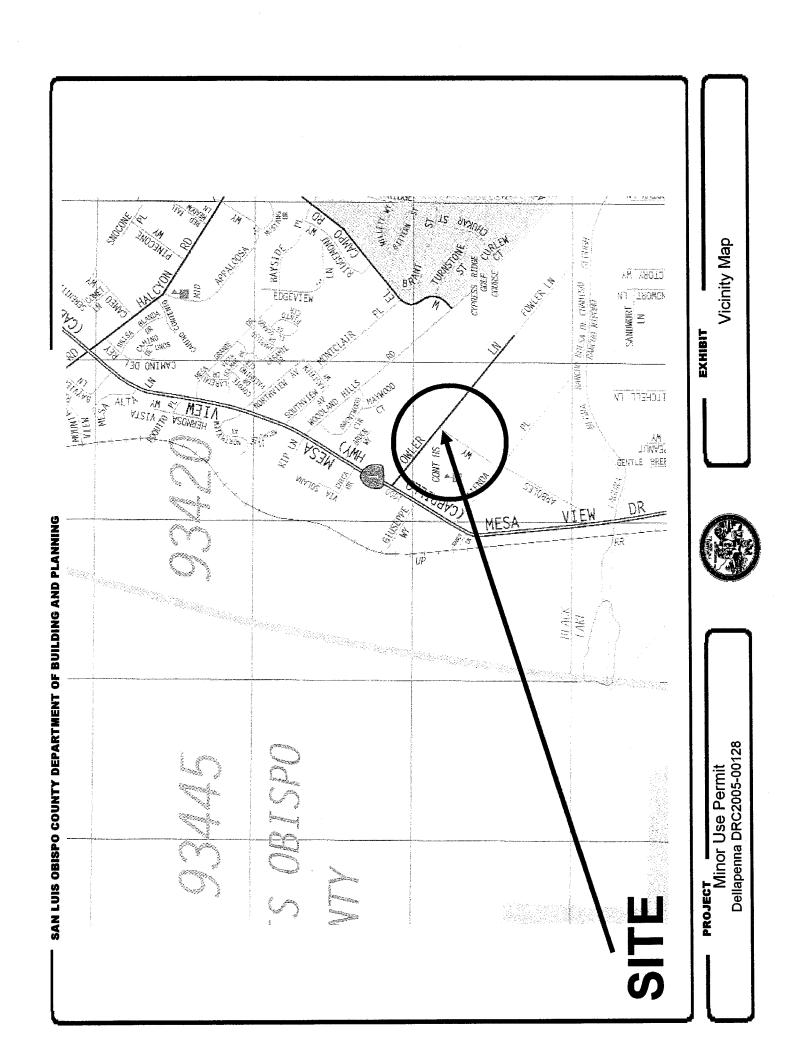
Two 2 1/2" outlets and one 4" outlet with National Standard threads	
☐ Within 8 feet of the roadway	
Place a blue dot reflector on roadway, just off center, on the side of the hydrant	
Hydrant must be located within 250 feet of the residence.	
Where road exceeds a 12% grade, it must be a nonskid surface	
☐ If road exceeds a 16% grade, it must be certified by an engineer	
	
Driveway must be 16 feet wide	
All weather surface capable of supporting 20 tons	
☑ Where driveway exceeds a 12% grade, it must be a nonskid surface	
☑ If driveway exceeds a 16% grade, it must be certified by an engineer	
Must provide an unobstructed vertical clearance of not less than 13'6"	
☑ Driveways exceeding 300 feet require a fire engine turnaround within 50 feet of the	
residence/structure	
☐ Driveways exceeding 800 feet require a turnout(s) at midpoint and no more than 400	
feet apart (exception: 16' wide driveways)	
☐ Bridge is required to support a fire engine load weight of 20 tons	
Bridge must have a sign indicating load & vertical clearance limits at entrances	
One-lane bridge: minimum 10', turnouts at both ends, one-way signs, clear visibility	
Gate entrance shall be 2 feet wider than width of traffic lane & located 30 feet	
from roadway	
Center line of lane turning radius must be at least 25 feet	
Provide Fire Department emergency access (approved keys or switches may be used)	
100 feet of vegetation clearance is required for defensible space	
Maintain a fire clearance of 30 feet around all buildings & structures	
☐ Within the area of 30′-100′ from structures, additional fire reduction measures shall be	
required.	
Remove limbs located within 10 feet of chimney & trim dead/dying limbs that	
overhang the roof. Leaves, needles, or dead growth shall be removed from the roof	
A Class B non-combustible roof is required, including the following checked items:	
☑ Where roof allows a space between roof covering & roof decking, spaces must prevent	
flames & embers and be fire-stopped with approved materials or have 1 layer of No. 72	
ASTM cap sheet installed over the combustible decking	
✓ Valley flashings shall not be less than 0.016-inch (0.41 mm) (No. 28 galvanized sheet	
gage) corrosion –resistant metal installed over a minimum 36" wide underlayment of 1	
layer of No. 72 ASTM cap sheet running the full length of valley	
Roof attics and vents shall resist intrusion of flame & ember into attic area or shall be	
protected by corrosion resistant, non-combustible wire mesh with ¼ inch openings	
✓ Vents shall not be installed in eaves or cornices, unless designated to prevent intrusion	
of flame & burning embers into the attic area of the structure.	
Roof gutters shall provide the means to prevent accumulation of leaves & debris	
Fire-resistive (non-combustible) siding is required	
Boxed-in eaves are required	
Highly visible permanent address numbers shall be placed at the driveway entrance.	
(minimum 4" letter/number height, 3/8 inch stroke)	
Highly visible address numbers shall be placed on the residence(s).	
(minimum 4" letter/number height, 3/8 inch stroke).	
Each dwelling unit requires a separate address. Contact Leonard Mansell at SLO	
County Planning Dept for more information at (805) 781-5199.	
Smoke detectors are required in all sleeping areas & in hallways leading to sleeping areas	
Other Requirements:	

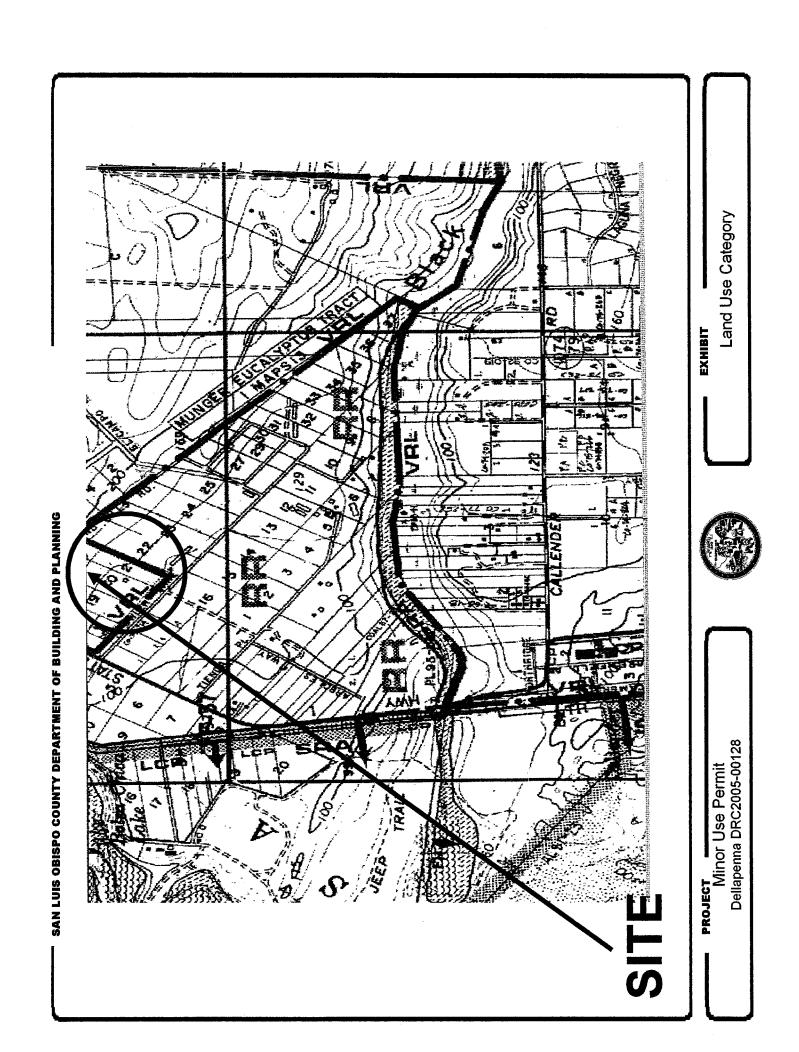
When all of the fire safety requirements have been completed, please call the Fire Prevention Bureau at (805) 543-4244, extension #2220 to arrange for your final inspection.

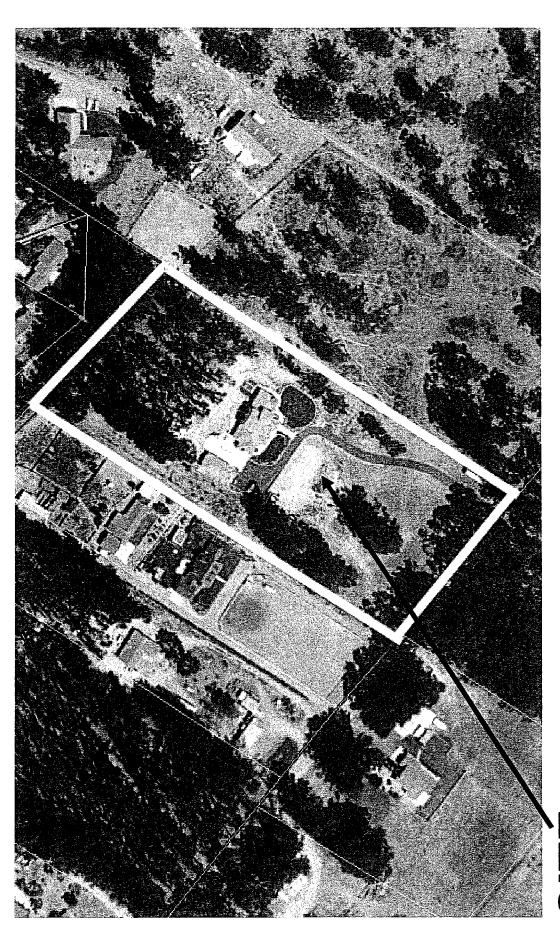
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Chad Zrelak Fire Captain

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Minor Use Permit
Dellapenna DRC2005-00128



EXMISIT

Aerial

